

INCOMING TELEGRAM

Department of State

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Action

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Info

FROM: LONDON

122 MAY 26 PM 1 09

Control: 16694

Rec'd: MAY 26, 1959
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TO: Secretary of State

NO: 6160, MAY 26, 1 PM

SENT DEPARTMENT 6160; REPEATED INFORMATION PARIS 1021,
BONN 444, MOSCOW 284, BERLIN 165, GENEVA 139.

RE DEPTTEL 10250

CIA

PROPOSED REPLY TO SOVIET NOTE OF APRIL 28 ON HIGH ALTITUDE
FLIGHTS TO BERLIN HAS BEEN STUDIED BY FOREIGN SECRETARY.
 HE BELIEVES THAT FROM POLITICAL POINT OF VIEW BEST
 TO LET SLEEPING DOGS LIE PARTICULARLY SINCE SOVIET NOTE
 IS MONTH OLD. LEGAL ADVISER ALSO RAISED OBJECTIONS
 TO PROPOSAL ON GROUNDS THAT QUADRIPARTITE AGREEMENT
 OF NOVEMBER 28, 1945 DOES NOT PROVIDE CLEAR LEGAL AUTHORIZATION
 FOR CIVIL AIRLINES TO OPERATE IN CORRIDORS AND THIS FACT
 MIGHT COUNT AGAINST WEST IF MATTER ACTUALLY CAME BEFORE
 INTERNATIONAL COURT. COURT MIGHT ALSO WISH TO HEAR
 GDR AND THIS TOO MIGHT BE UNDESIRABLE FROM WESTERN
 POINT OF VIEW. FINALLY LEGAL ADVISER HAS EXPRESSED
 OPINION THAT REQUEST FOR ADVISORY OPINION FROM COURT
 WOULD NECESSARILY INVOLVE GENERAL ASSEMBLY IN MATTER
 SINCE ACTUAL REQUEST FOR ADVISORY OPINION WOULD HAVE
 TO ORIGINATE WITH GA, AND THIS UNDESIRABLE UNTIL LARGER
 QUESTION OF TIMING REFERENCE BERLIN PROBLEM TO UN DECIDED.

• WHITNEY

DEPARTMENT OF STATE

APPROVAL REVIEW PAGE DATE 12/1/79

CLASSIFIED () EXEMPT () DEINT

() Non-responsive information

FOIA Exemptions (a)

PA Exemption (e)

Classification Review By *ful*

() DECLASSIFY

() DECLASSIFY IN PART

() RETAIN CLASSIFICATION (a)

() CLASSIFY AS _____, OADR

() DOWNGRADE TO () S, () O, OADR

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PERMANENT

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